

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

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AUG 25 2017

U. S. DISTRICT COURT  
MID. DIST. TENN.

(List the names of all the plaintiffs filing  
this lawsuit. Do not use "et al." Attach  
additional sheets if necessary.)

DAVID COLE,  
(Name)  
440180,  
(Prison Id. No.)

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Prison Id. No.)

Plaintiff(s)  
v. TRUSDALE TURNER CORRECTIONAL,  
CORE CIVICS OF AMERICA,  
TDOC, WARDEN WASHBURN, CQ Lopez,  
(Name)  
CHIEF VEALE, SGT. OLDER, SGT. D. DOUGLAS  
(Name)

Defendant(s)

Civil Action No. \_\_\_\_\_  
(To be assigned by the Clerk's Office.  
Do not write in this space.)

JURY TRIAL REQUESTED  YES  NO

(List the names of all defendants  
against whom you are filing this  
lawsuit. Do you use "et al." Attach  
additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS FILED  
PURSUANT TO 42 U.S.C. § 1983

I. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: DAVID COLE  
Prison I.D. No. of the first plaintiff: 440180  
Address of the first plaintiff: TTCC, 140 MACON WAY, HARRISON,  
TN, 37074 DELTA BRAVO 118

Status of Plaintiff: CONVICTED () PRETRIAL DETAINEE ()

2. Name of the second plaintiff: \_\_\_\_\_  
Prison I.D. No. of the second plaintiff: \_\_\_\_\_  
Address of the second plaintiff: \_\_\_\_\_

Status of Plaintiff: CONVICTED () PRETRIAL DETAINEE ()

*(Include the name of the institution and mailing address with zip code for each plaintiff. If any plaintiff changes his or her address, he or she must notify the Court immediately. If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.)*

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: WASHBURN  
 Place of employment of the first defendant: WARDEN @ TT CC

First defendant's address: 140 MACON WAY HARTSVILLE, TN  
37074

Named in official capacity?  Yes  No  
 Named in individual capacity?  Yes  No

2. Name of the second defendant: NEAL  
 Place of employment of the second defendant: CHIEF @ TT CC

Second defendant's address: 140 MACON WAY, HARTSKILLE, TN  
37074

Named in official capacity?  Yes  No  
 Named in individual capacity?  Yes  No

*(If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, his or her place of employment, address, and the capacity in which you are suing that defendant. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide each defendant's proper name, place of employment, and address, the Clerk will be unable to serve that defendant should process issue.)*

II. JURISDICTION

A. Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (applies to state prisoners).  
 Jurisdiction is also invoked pursuant to 28 U.S.C. § 1343(a)(3).

If you wish to assert jurisdiction under different or additional statutes, you may list them below:

## B. DEFENDANT(S) AGAINST WHOM THIS LAWSUIT IS BEING BROUGHT (continued)

3. NAME OF THIRD DEFENDANT: VEAL, JOHANA

PLACE OF EMPLOYMENT OF THE THIRD DEFENDANT: CHIEF @ TTCC

THIRD DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY:  YES — NoNAMED IN INDIVIDUAL CAPACITY:  YES — No

4. NAME OF FOURTH DEFENDANT: LOPEZ

PLACE OF EMPLOYMENT OF THE FOURTH DEFENDANT: CO @ TTCC

FOURTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY:  YES — NoNAMED IN INDIVIDUAL CAPACITY:  YES — No

5. NAME OF FIFTH DEFENDANT: OLDER

PLACE OF EMPLOYMENT OF THE FIFTH DEFENDANT: SERGEANT @ TTCC

FIFTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY:  Yes — NoNAMED IN INDIVIDUAL CAPACITY:  Yes — No

6. NAME OF SIXTH DEFENDANT: DOUGLAS

PLACE OF EMPLOYMENT OF THE SIXTH DEFENDANT: SERGEANT @ TTCC

SIXTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY:  Yes — NoNAMED IN INDIVIDUAL CAPACITY:  Yes — No

7. NAME OF SEVENTH DEFENDANT: TROUSDALE TURNER CORRECTIONAL CENTER

PLACE OF EMPLOYMENT OF THE SEVENTH DEFENDANT: TTCC

SEVENTH DEFENDANT'S ADDRESS: 140 MACON WAY, HARTSVILLE, TN 37074

NAMED IN OFFICIAL CAPACITY:  Yes — NoNAMED IN INDIVIDUAL CAPACITY:  Yes — No

8. NAME OF EIGHTH DEFENDANT: CORE Civics of America (CCA)

PLACE OF EMPLOYMENT OF EIGHTH DEFENDANT: CCA

EIGHTH DEFENDANT'S ADDRESS: 10 BURTON HILLS BLVD. NASHVILLE, TN 37215

NAMED in OFFICIAL CAPACITY:  Yes — No

NAMED in INDIVIDUAL CAPACITY:  Yes — No

9. NAME OF NINTH DEFENDANT: TENNESSEE DEPARTMENT OF CORRECTIONS (TDOC)

PLACE OF EMPLOYMENT OF NINTH DEFENDANT: TDOC

NINTH DEFENDANT'S ADDRESS: RACHEL JACKSON BUILDING, 6<sup>TH</sup> FLOOR, 320 - SIXTH AVENUE NORTH, NASHVILLE, TN 37243-0465

NAMED in OFFICIAL & INDIVIDUAL CAPACITY:  Yes — No

10. NAME OF TENTH DEFENDANT: TRONSDALE TURNER COUNTY

PLACE OF EMPLOYMENT OF TENTH DEFENDANT: TRONSDALE TURNER COUNTY

TENTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY:  Yes — No

NAMED in INDIVIDUAL CAPACITY:  Yes — No

11. NAME OF ELEVENTH DEFENDANT: HARTSVILLE CITY

PLACE OF EMPLOYMENT OF ELEVENTH DEFENDANT: HARTSVILLE CITY HALL

ELEVENTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY:  Yes — No

NAMED in INDIVIDUAL CAPACITY:  Yes — No

12. NAME OF TWELFTH DEFENDANT: STATE OF TENNESSEE

PLACE OF EMPLOYMENT OF TWELFTH DEFENDANT: STATE OF TENNESSEE

TWELFTH DEFENDANT'S ADDRESS:

NAMED in OFFICIAL CAPACITY:  Yes — No

NAMED in INDIVIDUAL CAPACITY:  Yes — No

III. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuit(s) in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?  Yes  No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs DAVID COLE #440180

Defendants EDDIE JACKSON, WEST TENNESSEE PRISON

2. In what court did you file the previous lawsuit? NASHVILLE DIVISION

(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)

3. What was the case number of the previous lawsuit? UNKNOWN AT THIS TIME

4. What was the Judge's name to whom the case was assigned? UNKNOWN @ THIS TIME

5. What type of case was it (for example, habeas corpus or civil rights action)?

CIVIC RIGHTS ACTION

6. When did you file the previous lawsuit? (Provide the year, if you do not know the exact date.) 2012

7. What was the result of the previous lawsuit? For example, was the case dismissed or appealed, or is it still pending? DISMISSED

8. When was the previous lawsuit decided by the court? (Provide the year, if you do not know the exact date.) 2012

9. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit?  Yes  No

*(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)*

#### IV. EXHAUSTION

A. Are the facts of your lawsuit related to your present confinement?

Yes       No

B. If you checked the box marked "No" in question III.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain. \_\_\_\_\_

\_\_\_\_\_ NIA \_\_\_\_\_

C. Do the facts of your lawsuit relate to your confinement in a Tennessee state prison?

Yes       No

*(If you checked the box marked "No," proceed to question IV.G. If you checked the box marked "Yes," proceed to question IV.D.)*

D. Have you presented these facts to the prison authorities through the state grievance procedure?       Yes       No

E. If you checked the box marked "Yes" in question III.D above:

1. What steps did you take? FIRST STEP OF GRIEVANCE PROCEDURE

2. What was the response of prison authorities? ADMINISTRATIVE REMEDIES HAVE BEEN EXHAUSTED DUE TO THE LACK OF REPLY TO FIRST STEP TAKEN.

F. If you checked the box marked "No" in question IV.D above, explain why not. \_\_\_\_\_

\_\_\_\_\_ NIA \_\_\_\_\_

G. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?       Yes       No

H. If "Yes" to the question above, have you presented these facts to the authorities who operate the detention facility?       Yes       No

I. If you checked the box marked "Yes" in question III.H above:

1. What steps did you take? NIA

2. What was the response of the authorities who run the detention facility? \_\_\_\_\_

None

J. If you checked the box marked "No" in question IV.H above, explain why not.

BECAUSE THE FACTS OF MY LAWSUIT PERTAIN TO MY CONFINEMENT IN A DETENTION FACILITY OPERATED BY STATE AND/OR PRIVATE AGENCY NOT CITY OR COUNTY.

#### V. CAUSE OF ACTION

Briefly explain which of your constitutional rights were violated:

RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT; RIGHTS REGARDING PUNISHMENTS UNDER PROCEDURAL DUE PROCESS; EIGHTH & FOURTEENTH AMENDMENTS

#### VI. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 inch x 11 inch paper. Write on one side only, and leave a 1-inch margin on all 4 sides.

On 6-24-17, At Around 10:10 AM INNATE DAVID CHARLES COCE WAS BEING TRANSFERRED TO SEGREGATION BY CO LOPEZ, SGT. DOUGLAS, AND SGT. OLIVER. ON CHIEF SOHANA VEALE'S REQUEST. AT ARRIVAL CHIEF VEALE AND SGT. OLIVER TOLD SGT. DOUGLAS AND CO LOPEZ TO PUT DAVID C. COCE IN UNIT A C CELL #210. INSIDE THAT CELL WAS INNATE BARRY C. HEAROUX #413491. THIS INNATE TOLD ALL SEGREGATION OFFICERS, "NOT TO PUT ANYONE INTO THE CELL" WITH HIM OR HE WOULD SHOOT THEM AND "HIM" (HIM" BEING INNATE DAVID C. COCE). ALL OFFICERS IGNORED HIS STATEMENT AND DAVID COCE'S CRIES FOR HELP WERE IGNORED AS WELL. THE OFFICERS SHOT DELIBERATE AND CALLUS INJURIOUSLY AND THEY INTENTIONALLY AND MACROCOURSE PLACED MR. COCE INTO MR. HEAROUX'S CELL. WHEN INSIDE THE CELL MR. HEAROUX SWUNG A KNIFE AT MR. COCE'S FACE BUT WAS BLOCKED BY MR. COCE'S ARM THUS CUTTING INTO HIS ARM. MR. COCE BANGED ON THAT CELL DOOR AND BEGGED FOR HELP. HE THEN SHOwed ALL TOLN OFFICERS THAT THE INNATE HAD CUT HIS ARM. OFFICERS DAVIS AND SGT. LEVINE RESPONDED TO THIS AND TOLD LIAISON CHRISTOPHER

## II. STATEMENT OF FACTS (continued)

BARTH TOLD THOSE OFFICERS TO HANDCUFF THEM AND ESCORT THEM TO THE SHOWERS. MR. COLE SAT IN THE SHOWERS BEING FOR THIRTY MINUTES BEFORE BEING ESCORTED TO THE MEDICAL BUNKER BY SGT. LOVINE. AT MEDICAL PICTURES WERE TAKEN OF THE WOUNDS, THEN MR. COLE WAS ESCORTED BACK TO SEPARATIONS SHOWERS WHERE HE SAT FROM 11:25 AM TO 4:30 PM. MR. COLE WAS PUNISHED EVEN FURTHER BY HAVING MADE TO SIT IN DIRTY AND WET SHOWER FLOORS. THESE OFFICERS HAVE ACTED WITH DELIBERATE & CALLOW INDIFFERENCE, THEY CRUELLY AND UNREASONABLY PUNISHED THIS INMATE, THEY CAUSED INTENTIONAL INFILTRATION OF EMOTIONAL DISTRESS, THEY WERE SOVEREIGNLY AND EXTREMELY NEGLECTFUL. THERE WAS AN ABUSE OF PROCESS. THESE OFFICERS HAVE ACTED OR IN MANY OTHER WAYS BUT AT THIS TIME THAT IS ACT THAT WILL BE MENTIONED TO AFTER THIS HONORABLE COURT REPIES. WARDEN WASHBURN SHOULD BE ADDED TO THE SUIT AS WELL AS CHIEF VOL, SGT. DUGLAS, CD LOPEZ, SGT. OLIVER FOR THEIR INVOLVEMENT AND FOR MIS-HANLING THEIR SUBORDINATES ACTIONS. SGT. LOVINE SHOULD BE ADDED AS WELL FOR PUNISHING MR. COLE IN A CRUEL UN-SAFE, UNHEALTHY, DIRTY SITUATION FOR SO MANY HOURS. CCA, TTCC, TDOC, HARTSVILLE CITY, TROUSDALES, TURNER COUNTY, THE STATE OF TENNESSEE SHOULD BE ADDED AS DEFENDANTS AS WELL, FOR THEIR PART IN ALLOWING VIOLATIONS OF INMATE RIGHTS. ANY MOTIONS TO AMEND COMPLAINT MAY SURFACE AS TIME GOES BY.

PLEASE SEE ATTACHED, AND FILE AS EXHIBIT #1 IN EVIDENCE, INMATE GRIEVANCE.

VII. RELIEF REQUESTED: State exactly what you want the Court to order each defendant to do for you.

To Have Defendants IMMEDIATELY REMOVED FROM THEIR POSITIONS, THROUGH AN INJUNCTION HAVE MYSELF MOVED TO A TDCJ FACILITY AND FILE ORDERS OF PROTECTION AGAINST DEFENDANTS. TO HAVE MONETARY COMPENSATION IN THE FORM OF NOMINAL, COMPENSATORY, AND PUNITIVE DAMAGES. ORDER DEFENDANTS TO PAY ALL FILING FEES AND ATTORNEY FEES, AND ORDER EACH DEFENDANT TO PAY EACH \$50,000 (FIFTY THOUSAND DOLLARS) FOR EACH TYPE OF MONETARY COMPENSATORY DAMAGES. AND A DECLARATORY JUDGMENT.

I request a jury trial.  Yes  No

VIII. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: Doni Charles Cole Date: 7-29-17  
 Prison Id. No. #440180  
 Address (Include the city, state and zip code.): ITCC, 140 Macon Way,  
 HARTSVILLE, TN 37074

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Prison Id. No. \_\_\_\_\_  
 Address (Include the city, state and zip code.): \_\_\_\_\_

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information requested above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT AND (1) THE REQUIRED FILING FEE OR (2) COMPLETED APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES AND COSTS TOGETHER. Complaints received without the required filing fee or application to proceed without prepayment of fees will be returned. Filing fees and applications to proceed without prepayment of fees submitted without a complaint will be returned.

DAVID COLE #440/80  
PROSPECT TOWER CORRECTIONAL  
140 MAON WAY  
HARRISONVILLE, TN 37074